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POSTAL RATE COMMISSION
OFFICE OF THE PRESIDENT

PRESIDING OFFICER'S
RULING NO. C2001-1/19

UNITED STATES OF AMERICA
POSTAL RATE COMMISSION
WASHINGTON, D.C. 20268-0001

Complaint on Sunday and Holiday Collections

Docket No. C2001-1

PRESIDING OFFICER'S RULING
ESTABLISHING PROCEDURAL SCHEDULE

(Issued May 2, 2002)

On April 24, 2002, Carlson filed the final sections of his direct testimony and proposed a schedule for the remainder of the proceeding.¹ Carlson proposes a deadline of May 22, 2002 for conclusion of discovery on his testimony. He proposes that participants indicate by June 7, 2002, whether or not they need to conduct oral cross-examination on his testimony. He also renews his request that oral cross-examination be required only upon a showing of need by the examining party. He proposes that oral cross examination tentatively be scheduled for June 24, 2002. If oral cross-examination is not indicated, Carlson proposes a June 11, 2002 date for participants to indicate whether they will file testimony. Otherwise, he proposes a June 28, 2002 date for participants to indicate whether they will file testimony. Finally, Carlson proposes filing initial briefs by July 2, 2002, and reply briefs by July 16, 2002.

The Postal Service does not oppose the proposed schedule at this time, and indicates that any future request to modify the schedule will be made by filing an appropriate motion.²

¹ Direct Testimony of Douglas F. Carlson Part 2, April 24, 2002. Douglas F. Carlson Proposed Procedural Schedule, April 24, 2002.

² Response of the United States Postal Service to Proposed Procedural Schedule of Douglas Carlson, May 1, 2002.

This ruling establishes a procedural schedule through the possible submission of reply briefs. Any request for adjustments to this schedule shall be made by motion. The proposed date of May 22, 2002 for close of discovery directed to Carlson is unopposed and thus accepted. A June 11, 2002 date shall be established for participants to indicate whether they intend to submit testimony of their own, and to propose a date for filing that testimony.

The date for the hearing to enter the Complainant's direct testimony and other evidence into the record, and for possible cross-examination shall be June 24, 2002. Participants shall indicate the need to cross-examine the Complainant by filing notice with the Commission by June 7, 2002.³

If a need is not indicated for oral cross-examination, the Complainant may move to submit his testimony for the record by affidavit.⁴ The motion also shall indicate any corrections or changes made by the Complainant to the original material. The deadline for filing the motion, affidavit and corrected testimony with the Commission shall be June 18, 2002.

Participants shall submit any notice of designation of written cross-examination of Complainant to the Commission by June 14, 2002. Two copies of the designated material shall be provided to the Commission at that time. If a hearing is held at the Commission, the written cross-examination will be entered into the record at that time. If a hearing is not indicated, the Complainant shall indicate by motion the necessary corrections or changes to designated written cross-examination, request that the

³ The procedure for the Complainant to challenge a request for oral cross-examination was established in P.O. Ruling C2001-1/11 at 3.

⁴ The affidavit shall be in the form of a declaration of authenticity. The following format is acceptable:

DECLARATION OF PARTICIPANT'S NAME

I declare under penalty of perjury, that the foregoing Direct Testimony of *Participant's Name* (*Testimony Identification Number*) was prepared by me, or under my direct supervision, and that if called to testify under oath, it would be my testimony.

Dated: June __, 2002

Participant's Signature
Participant's Printed Name

original material be modified accordingly, and request that the material be entered into the record at that time. The deadline for filing the Complainant's motion with the Commission shall be June 21, 2002.

Initial briefs shall be filed by July 2, 2002, and reply briefs shall be filed by July 16, 2002.

RULING

The schedule in attached Appendix A and explained in the body of this ruling shall be observed in this proceeding.

A handwritten signature in black ink, appearing to read "Ruth Y. Goldway". The signature is fluid and cursive, with the first name "Ruth" and last name "Goldway" clearly distinguishable.

Ruth Y. Goldway
Presiding Officer

SCHEDULE

Discovery period concludes on Complainant's material	May 22, 2002
Participants' indication of need for oral cross-examination	June 7, 2002
Participants' indication of intent to file rebuttal testimony	June 11, 2002
(Upon an indication for the need for oral cross-examination this deadline shall be rescheduled to June 25, 2002.)	
Designation of written cross-examination	June 14, 2002
Motion to accept testimony by affidavit	June 18, 2002
Motion for corrections to written cross-examination	June 21, 2002
Hearing date to accept Complainant's testimony	June 24, 2002
Filing of initial briefs (if no rebuttal testimony)	July 2, 2002
Filing of reply briefs (if no rebuttal testimony)	July 16, 2002